

**REMARKS**

Claims 2-7 and 10-14 and 16-23 now stand in the application, claims 1, 8, 9 and 15 having been canceled and new claims 16-23 added. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The claims have been amended to address the issues raised by the examiner in paragraph 2 of the Office action.

Claims 1, 8, 9 and 15 are rejected for anticipation by Durant (EP 1 091 496). Claims 1-6 and 9-13 are rejected as anticipated by Bell (USP 5,491,548). Claim 7 is rejected as unpatentable over Bell in view of Okuyama (USP 5,825,821). Claim 14 is rejected as unpatentable over Bell in view of Shinmyo (USP 4,380,814). All rejections are respectfully traversed, and are believed further overcome by the amendments now made to the claims.

Both independent claims 16 and 21 now clarify that the invention is in the context of a free space optics telecommunication system. In such a system, there is a means (lens PRX in Fig. 1) for focusing a received light beam, a splitter for splitting the two signals onto receiving devices having different sensitivities and different saturation levels, and a switch that selects an out put from one of the two receiving devices in accordance with the level of the input signal.

Bell et al. relates to the field of optical signal measurement instruments in which optical signals are guided (i.e. they do not propagate in free space).

Bell neither teaches nor suggests a receiver for a free space optics system which comprises a switch capable of switching between the light beam portion received by the first

receiving device and the light beam portion received by the second receiving device according to the received signal level, as discussed at lines 30-32 of page 6. None of the references of record teach or suggest such a switching capability. The examiner points to item 270 in Bell et al, but the switch 270 is simply illustrated as under control of the controller 278. There is no illustration, nor any discussion, of the controller 278 generating control signals to the selection switch in accordance with the level of a received free space optics signal as is required in claims 16 and 19.

Claims 17 and 20 recite that the saturation levels of the receiving devices are different, as described at lines 4-6 of page 3 of the specification. Durant and Bell are silent as to this.

Other claims recite further patentable features, but it suffices to point out that these claims are all distinguishable over the prior art due to their dependence on claims 16 or 19.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 13, 2007

/DJCushing/  
David J. Cushing  
Registration No. 28,703